

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DEVORN PARKER,

Plaintiff,

-against-

NEW YORK CITY DEPARTMENT OF
CORRECTIONS, et al.,

Defendants.

20-CV-9408 (CM)

ORDER DIRECTING PAYMENT OF FEE
OR IFP APPLICATION AND PRISONER
AUTHORIZATION

COLLEEN McMAHON, Chief United States District Judge:

Plaintiff, currently incarcerated at the Vernon C. Bain Center, brings this action *pro se*. To proceed with a civil action in this Court, a prisoner must either pay \$400.00 in fees – a \$350.00 filing fee plus a \$50.00 administrative fee – or, to request authorization to proceed *in forma pauperis* (IFP), that is, without prepayment of fees, submit a signed IFP application and a prisoner authorization.¹ *See* 28 U.S.C. §§ 1914, 1915.

If the Court grants a prisoner’s IFP application, the Prison Litigation Reform Act requires the Court to collect the \$350.00 filing fee in installments deducted from the prisoner’s account. *See* 28 U.S.C. § 1915(b)(1). A prisoner seeking to proceed in this Court without prepaying fees must therefore authorize the Court to withdraw these payments from his account by filing a “prisoner authorization,” which directs the facility where the prisoner is incarcerated to deduct the \$350.00 filing fee from his account in installments and to send to the Court certified copies of his account statements for the past six months. *See* 28 U.S.C. § 1915(a)(2), (b).

¹ The administrative fee for filing a civil action does not apply to persons granted IFP status. The administrative fee was \$50.00 at the time Plaintiff filed this action, and the \$50.00 fee therefore would apply to this action, even though it has since increased to \$52.00.

By order dated November 16, 2020, the Court directed Plaintiff to pay the filing fees or submit an IFP Application and Prisoner Authorization for this action. (ECF No. 3.) Plaintiff did not do so, and on December 17, 2020, the Court dismissed this action without prejudice to Plaintiff's refiling it and entered judgment closing the action. (ECF Nos. 5-6.)


On January 26, 2021, Plaintiff filed a second amended complaint in this closed action (ECF No. 7), which suggests that he wishes to proceed. Accordingly, within thirty days of the date of this order, Plaintiff must either pay the \$400.00 in fees or submit the attached IFP application and prisoner authorization forms. If Plaintiff submits the IFP application and prisoner authorization, they should be labeled with docket number 20-CV-9408 (CM). If the Court receives Plaintiff's IFP application and prisoner authorization, it will treat these as a request to reopen this closed case and proceed with the second amended complaint.

The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket. No summons shall issue at this time. If Plaintiff complies with this order, the case shall be processed in accordance with the procedures of the Clerk's Office. If Plaintiff fails to comply with this order within the time allowed, the action will be dismissed.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444–45 (1962) (holding that appellant demonstrates good faith when seeking review of a nonfrivolous issue).

SO ORDERED.

Dated: February 1, 2021
New York, New York



COLLEEN McMAHON
Chief United States District Judge